

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PENNSYLVANIA

Mahtab Matinkhosrawi	:	
123 Warwick Way	:	
North Wales PA 19454-1838,	:	
Plaintiffs	:	
Vs.	:	2011-21762
Midland Credit Management	:	
8875 Aero Drive, Suite 200	:	
San Diego, California 92123	:	
and	:	Jury Trial Demanded
John Does 1-10	:	
and	:	
X,Y,Z Corporations	:	
Defendant(s)	:	

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THE COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

LAWYER REFERENCE SERVICE
MONTGOMERY COUNTY BAR ASSOCIATION
100 West Airy Street (REAR), NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201

Montgomery County Legal Aid Services
625 Swede Street, Norristown, PA 19401
610-275-5400



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Mahtab Matinkhosrawi
123 Warwick Way
North Wales PA 19454-1838,

Plaintiffs

Vs.

Midland Credit Management
8875 Aero Drive, Suite 200
San Diego, California 92123

and

John Does 1-10

and

X,Y,Z Corporations

Defendant(s)

2011-21762

Jury Trial Demanded

COMPLAINT

1. This is an action brought by a consumer for violation of alleged violations of the Fair Credit Reporting Act (FCRA), 15 USC 1681 et. Seq..
2. Plaintiff is Mahtab Matinkhosrawi, an adult individual whose principle residence is located at 123 Warwick Way, North Wales PA 19454-1838.



2011-21762-0002
8 29 2011 2:58:09 PM
Complaint In
Receipt = Z1305354 Fee \$0.00
Mark Levy - Montgomery County Prothonotary

RECEIVED
MONTGOMERY COUNTY
PROTHONOTARY
SEP 29 2011

(Handwritten signature)

3. Defendants are the following.

- a. Midland Credit Management , 8875 Aero Drive, Suite 200, San Diego, California 92123.
- b. John Does 1-10, individuals or business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such Does played a substantial role in the commission of the acts described in this complaint.
- c. X,Y,Z Corporations, business identities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such entities played a substantial role in the commission of the acts described in this complaint.

JURISDICTION AND VENUE

4. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint
5. Defendant(s) regularly transact(s) business throughout the Commonwealth of Pennsylvania, and in this jurisdiction.
6. Defendant obtains the benefit(s) of regularly transacting business in this jurisdiction.
7. A substantial portion of the conduct complained of occurred in this jurisdiction.
8. Defendant's principal place of business is located in this jurisdiction.

**COUNT ONE: VIOLATION OF THE FAIR CREDIT REPORTING ACT,
15 USC 1681 S-2 "*Johnson Violation*"**

9. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
10. At all times mentioned herein Plaintiff was a consumer as defined by the FCRA.
11. At all times mentioned herein Defendant was a furnisher of information as defined by the FCRA.
12. At various times in writing, Plaintiff contacted Defendant about and alleged consumer debt that appeared on Plaintiff's credit report.
13. The alleged consumer debt had been placed on Plaintiff's credit report by Defendant, and Defendant was therefore a furnisher of information for purposes of the FCRA.

14. 15 USC 1681 s-2 requires a furnisher to conduct a reasonable investigation of an account which appears on a consumer's credit report, upon written request of the consumer to do so.
15. The United States Court of Appeals for the Fourth Circuit held that the FCRA requires furnisher to conduct detailed examinations of the documents underlying customer transactions before responding to inquiries about a customer's debt, instead of relying on computer databases that provide convenient but potentially incomplete or inaccurate customer account information. See *Johnson v. MBNA America Bank*, No. 03-1235 (February 11, 2004).
16. At various times in writing, Plaintiff requested that Defendant conduct an investigation about the alleged consumer debt that appeared on Plaintiff's credit report.
17. Defendant(s) failed and willfully refused to conduct an investigation of Plaintiff's account in violation of Defendant's duties pursuant of 15 USC 1681 s-2 et. seq.

18. After Defendant(s) failed and willfully refused to conduct an investigation of Plaintiff's account, Defendant(s), Plaintiff was left with no other recourse than to dispute the account with the relevant credit reporting agency(ies) (CRAs).
19. After Plaintiff disputed the account with the relevant credit reporting agencies(s), Defendant then verified the alleged account with the relevant credit reporting agencies, Defendant(s) despite having willfully refused to conduct an investigation of Plaintiff's account in violation of Defendant's duties pursuant to 15 USC 1681 s-2 et. seq.
20. Upon information and belief, it is averred that Defendant(s) have a standard practice policy which contradicts its duties pursuant to 15 USC 1681 s-2.

**COUNT TWO: VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 USC 1692 ET. SEQ.**

21. The previous paragraphs of this complaint are incorporated by reference and made a part of this action.
22. At all relevant times in this Complaint, Plaintiff is a consumer debtor as defined by the Fair Debt Collections Practices Act (FDCPA), 15 USC 1692 et. Seq.
23. At all relevant times in this Complaint, Defendant(s) was / were acting as a debt collector(s) as defined by the FDCPA, 15 USC 1692 et. seq.
24. At all times mentioned herein, Defendant(s) was / were attempting to collect on an alleged consumer debt against Plaintiff.
25. At all times mentioned in this Complaint, Defendant(s) has a duty to comply with all applicable laws governing collection procedures on Plaintiff's consumer account(s), pursuant to 15 USC 1692 f.

26. By breaching its duties under 15 USC 1681 s-2, Defendant(s) also breached its duties under 15 USC 1692 f, to refrain from any collection activity that is illegal or unconscionable.
27. Defendant(s) engaged in illegal and unconscionable collection in violation of 15 USC 1692 f et. seq. (FDCPA), when Defendant(s) violated 15 USC 1681 s-2 et. seq (FCRA).

LIABILITY

28. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.
29. At all times various employees and / or agents of Defendant were acting as agents of Defendant, and therefore Defendant is liable to for the acts committed by its agents and / or employees under the doctrine of respondeat superior.
30. At all times various employees and / or agents of Defendant were acting as agents of Defendant, and therefore Defendant is liable to Plaintiff for the acts committed by its agents and / or employees under the theory of joint and several liability because Defendant and its agents were engaged in a common business venture and were acting jointly and in concert.

**PRIVATE CAUSE OF ACTION BY PLAINTIFF AGAINST FURNISHER
UNDER FAIR CREDIT REPORTING ACT**

31. Plaintiff bring this action against Defendant(s) under 15 USC 1681 s-2(b), as distinguished from 15 USC 1681s-2(a).
32. There is no private cause of action under 15 USC 1681s-2(a).
33. But there is a private cause of action under 15 USC 1681s-2(b). See the following case law which distinguishes between the government right of action under 15 USC 1681s-2(a), and the private cause of action under 15 USC 1681s-2(b).

Marshall v. Swift River Academy, LLC, 2009 WL 1112768 (9th Cir. 2009).
A consumer has no private right of action under FCRA against furnisher merely because the furnisher failed to provide accurate information to consumer reporting agencies.

Beisel v. ABN Ambro Mortgage, Inc., No. 07-2219, 2007 WL2332494, *1 (E.D. Pa. Aug. 10, 2007).

In order to prevail on a FCRA claim Plaintiff “must prove [he] notified a credit reporting agency of the dispute, the credit reporting agency then notified the furnisher of information, and the furnisher of information failed to investigate or rectify the disputed charge.”).

Catanzaro v. Experian Information Solutions, Inc., 671 F. Supp.2d 256, 260 (D. Mass. 2009).

Notification by a consumer reporting agency to the furnisher is a prerequisite for furnisher liability under FCRA.

Kaetz v. Chase Manhattan Bank, 2007 WL 1343700, *3 (M.D. Pa. 2006). The Court dismissed Plaintiff’s Complaint, but only because Plaintiff failed to allege that he disputed the accuracy of the debt to a credit agency, or that the credit agency thereafter reported dispute to defendant.

34. Because Plaintiff first disputed the account with Defendant(s) , and then disputed the account with the credit reporting agency afterwards, and then Defendant(s) verified the derogatory information to the Credit Reporting Agency(ies) in a manner that was unacceptable under FCRA, Plaintiff does have a private cause of action against Defendant under these particular circumstances.

DAMAGES

35. The preceding paragraphs are incorporated by reference and made a part hereof.
36. Plaintiff's actual damages are \$1.00 more or less, including but not limited to postage, phone calls, fax, gas, mileage, etc.
37. \$1,000.00 statutory damages under 15 USC 1681 et. seq.
38. \$1,000.00 statutory damages under 15 USC 1692 et. seq.
39. Plaintiff suffered some distress and anger as a result of Plaintiff's rights being violated by Plaintiff and likely the rights of other consumers as well.
40. The value of Plaintiff's emotional distress shall be proven at trial.
41. Plaintiff believes and avers that the acts committed by Defendant are willful, wanton intentional, or reckless at best. Plaintiff believes and avers that Defendant's acts are systemic. Therefore, punitive damages are warranted. Plaintiff damages should be determined by the Court.

ATTORNEY FEES

42. Plaintiff believes and avers that Plaintiff is entitled to reasonable attorney fees of \$1,837.50 at a rate of \$350.00 per hour, described below.

a. Consultation with client, review of file and drafting
of dispute letters. 2

b. Drafting , editing, review and filing of compliant
and related documents 1

c. Service of Process .25

d. Follow up correspondence with Defense 2

Total = 5.25

\$1,837.50

43. Plaintiff's attorney fees continue to accrue as the case moves forward.

OTHER RELIEF

44. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
45. Plaintiff requests such other relief as this court may deem just and proper.
46. Plaintiff requests and demands a jury trial in this matter.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of \$3,838.50 enumerated as follows.

\$1.00 actual damages

\$1,000.00 statutory damages for FDCPA violation

\$1,000 statutory damages for FCRA violation

\$1,837.50 attorney fees

\$3,838.50

Plaintiff seeks declarative relief and in injunction requiring Defendant to comply with 15 USC 1681 s-2. Plaintiff seeks such other relief as this Court deems fair and just.

Vicki Piontek

Vicki Piontek, Esquire
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
877-737-8617
Fax: 866-408-6735
palaw@justice.com

8/24/2011
Date

EXHIBITS

Mahtab Matin
123 Warwick Way
North Wales, PA 19454
(215)-240-1801

Midland Credit Mgmt Inc
8875 Aero Dr Ste 200
San Diego, CA 92123

Re: Mahtab Matin SSN: [REDACTED]
Account Number 8535272966....
Alleged Balance \$9,810

To Whom it May Concern:

Your company has placed derogatory information on my credit report for the above referenced account.

The balance that your company claims against me is comprised largely of interest, finance charges, penalties or other fees not justified by any existing contract.

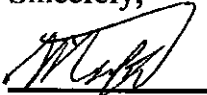
The amount stated on my credit report is excessive and inflated. I request proof of the contract justifying such charges. I also would like proof of the balance and a breakdown of all charges.

I have never been provided a copy of the contract which proves the interest rate, finance charges, late fees and other penalties. I dispute such amounts and believe that the actual balance, if any, is much lower than the amount stated on my credit report.

I am requesting that you conduct an investigation about the excessive balance and the excessive charges such as interest and other fees.

THIS IS A DISPUTED ACCOUNT. YOU MUST MARK THIS ACCOUNT AS DISPUTED ON MY CREDIT REPORT.

Sincerely,


Mahtab Matin

3-11-2011
Date

mcm
 Dept. 42421
 PO Box 603
 Oaks, PA 19456

04-20-2011

Contact Information: Tel (800) 825-8131
 Hours of Operation: M-Th 6am - 7pm;
 Fri-Sat 6am - 5pm PST
 Original Creditor: GE MONEY BANK
 Original Account No.: 6044051000238400
 MCM Account No.: 8535272966

91395-15
 #BWNHLTH
 #0000 0853 5272 9660#
 MAHTAB MATINKHOSRAWI
 951 ALLENTOWN RD
 LANSDALE, PA 19446-5207

Dear MAHTAB MATINKHOSRAWI,

The purpose of this letter is to advise you that you did not provide sufficient information to investigate your dispute of the credit reporting of your above-referenced account pursuant to the Fair Credit Reporting Act.

In order to investigate your dispute, we need detailed information to identify the basis of your dispute, including a complete explanation of your dispute. Further, we need a copy of any documentation you may have to support your dispute. In the interim, we have requested that the three major credit bureaus change the status of this account to "Disputed."

Examples of documentation we need include the following:

1. **Paid in full or account settled:** a) a copy of the front and back of payment instrument with copy of settlement offer or statement showing balance and account number; b) a copy of paid in full or settlement in full letter showing account number.
2. **Fraud or Identity Theft:** a) a copy of a police report; b) Federal Trade Commission Fraud Affidavit that has been filled out (which can be obtained at www.ftc.gov/idtheft); or c) notarized fraud affidavit.
3. **Balance discrepancy:** a) copy of contract that states rates for time frame of disputed service; b) a copy of bills or statements that show amount owed or rates; or c) a more detailed explanation of disputed charges.

Please send the above information to:

Attention: Consumer Relations
 P.O. Box 939069
 San Diego, CA 92193

We can be reached at (800) 825-8131, Ext. 32980 should you have any further questions.

Sincerely,

Consumer Relations

Please understand this communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.



Dept. 12421
PO Box 603
Oaks, PA 19456



05-11-2011

Contact Information: Tel (800) 825-8131

Hours of Operation: M-Th 6am - 7pm;
Fri-Sat 6am - 5pm PST

Original Creditor: GE MONEY BANK

Original Account No.: 6044051000238400



91395-7

#BWNHLTH
#0000 0853 5272 9660#
MAHTAB MATINKHOSRAWI
951 ALLENTOWN RD
LANSDALE, PA 19446-5207

MCM Account No.: 8535272966

Dear MAHTAB MATINKHOSRAWI,

The purpose of this letter is to advise you that we are not required to investigate your dispute of the credit reporting of your above-referenced account pursuant to the Fair Credit Reporting Act because your dispute is frivolous or irrelevant.

Examples of irrelevant disputes include a dispute related to: a) your identifying information, such as name(s), date of birth, Social Security number, telephone number(s) or address(es); b) the identity of past or present employers; c) inquires or requests for a consumer report; d) information from public records, such as judgments, bankruptcies, liens or other legal matters; e) information related to fraud alerts or active duty alerts; f) information placed on your credit report by someone other than our company; or g) we have a reasonable belief that the dispute was submitted by, or with the assistance of, a credit repair organization.

Examples of frivolous disputes include: a) a dispute that is substantially the same as a dispute submitted by you regarding this account which was previously submitted by you directly to us or through a credit reporting agency, to which we have already responded; and b) a dispute that does not contain enough information for us to investigate, such as the account number to which your dispute applies.

If you have additional documentation or information regarding your dispute, please send it to:

Attention: Consumer Relations
P.O. Box 939069
San Diego, CA 92193

We can be reached at (800) 825-8131, Ext. 32980 should you have any further questions. In the meantime, we have requested that the three major credit bureaus change the status of this account to "Disputed."

Sincerely,

Consumer Relations

Please understand this communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Calls to and/or from this company may be monitored or recorded.

88000125

PAP-100-A-0

Mahtab Matin
123 Warwick Way
North Wales, PA 19454
(215)-240-1801

Experian Information Services
P.O. Box 2002
Allen, TX 75013

Re: Mahtab Matinkhosrawi SSN: [REDACTED]
Midland Credit Mgmt Inc
Account Number 8535272966....
Alleged Balance \$9,810

To Whom it May Concern:

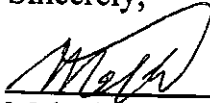
Your company has placed derogatory information on my credit report for the above referenced account.

The balance that your company claims against me is comprised largely of interest, finance charges, penalties or other fees not justified by any existing contract.

The amount stated on my credit report is excessive and inflated. I request proof of the contract justifying such charges. I also would like proof of the balance and a breakdown of all charges.

I have never been provided a copy of the contract which proves the interest rate, finance charges, late fees and other penalties. I dispute such amounts and believe that the actual balance, if any, is much lower than the amount stated on my credit report.

Sincerely,


Mahtab Matin

6-12-11
Date

Mahtab Matin
123 Warwick Way
North Wales, PA 19454
(215)-240-1801

Experian Information Services
P.O. Box 2002
Allen, TX 75013

Re: Mahtab Matinkhosrawi SSN: [REDACTED]
Midland Credit Mgmt Inc
Account Number 8535272966....
Alleged Balance \$9,810

To Whom it May Concern:

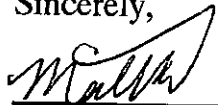
Your company has placed derogatory information on my credit report for the above referenced account.

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I have never been provided a copy of the contract which proves the interest rate, finance charges, late fees and other penalties. I dispute such amounts and believe that the actual balance, if any, is much lower than the amount stated on my credit report.

Sincerely,


Mahtab Matin

5-18-11
Date

Prepared for: **MAHTAB MATINKHOSRAWI**
 Date: **July 07, 2011**
 Report number: **2290-6274-28**



Dispute results

About our dispute process

This summary shows the revision(s) made to your credit file as a result of our processing of your dispute. If you still question an item, then you may want to contact the furnisher of the information directly or review the original information in the public record.

The federal Fair Credit Reporting Act provides that you may:

- request a description of how we processed your dispute, including the business name and address of any furnisher of information contacted in connection with such information and the telephone number if reasonably available;
- add a statement disputing the accuracy or completeness of the information; and
- request that we send these results to organizations who have requested your credit report in the past two years for employment purposes or six months for any other purpose.

If no information follows, our response appeared on the previous page.



Scan me with your smart phone
for special offers from Experian.

0001563 01 MB0387 **AUTO 507217 19454-183823 -C01-PC1564-I
 MAHTAB MATINKHOSRAWI
 123 WARWICK WAY
 NORTH WALES PA 19454-1838



P.O. Box 9701
 Allen, TX 75013

How to read your results

Deleted - This item was removed from your credit report

Remains - This item was not changed as a result of our processing of your dispute

Updated - A change was made to this item; review this report to view the change. If ownership of the item was disputed, then it was verified as belonging to you

Investigated - This item was either updated or deleted; review this report to learn its outcome

Results

We completed investigating any items you disputed with the sources of the information and processed any other requests you made. Here are the results:

Credit items	Outcome
MIDLAND CREDIT MGMT 853527 ...	Updated

Visit experian.com/status to check the status of your pending disputes at any time

Additional information

To view a full copy of your corrected credit report, visit experian.com/viewreport

☐ To receive a copy by mail, check this box and within 30 days return this original page to P.O. Box 9701, Allen, TX 75013.

Copies will not be accepted.

What's your credit score?

Find out by ordering your VantageScore® from Experian for only **\$7.95**. To order, call 1 888 322 5583.

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e. "Cancer Center") that reports your payment history to us. If so, those names display on your report, but on reports to others, they display only as **MEDICAL PAYMENT DATA**. Consumer statements included on your report at your request that contain medical information are disclosed to others.

0274050560

Prepared for: **MAHTAB MATINKHOSRAWI**
Date: **July 07, 2011**
Report number: **2290-6274-28**

Report number: 2290-6274-28

The most common items in this section are late payments, accounts that have been charged off or sent to collection, bankruptcies, liens, and judgments. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, such as an account that has been settled or transferred. This information is generally removed seven years from the initial missed payment that led to the delinquency. Missed payments and most public record items may remain on the credit report for up to seven years, except Chapters 7, 11 and 12 bankruptcies and unpaid tax liens, which may remain for up to 10 years. A paid tax lien may remain for up to seven years. Transferred accounts that have not been past due remain up to 10 years after the date the account was transferred.

Current/Terms of agreement met	VS	Voluntarily surrendered
Account 30 days past due	R	Repossession
Account 60 days past due	PBC	Paid by creditor
Account 90 days past due	IC	Insurance claim
Account 120 days past due	G	Claim filed with government
Account 150 days past due	D	Defaulted on contract
Account 180 days past due	C	Collection
Creditor received deed	CO	Charge off
Foreclosure proceedings started	CLS	Closed
Foreclosed	ND	No data for this time period

MIDLAND CREDIT MANAGEMENT

SAN DIEGO CA 92123

(888) 403-6206

Partial account number
053607

Address identification

Original creditor GEM

Payment History
2011

C	N	D	C	C	C	C
---	---	---	---	---	---	---

Account History - If your credit

How to

AB	9,842	9,942	9,942
DB	9,842	9,942	9,942

SFA ND ND
ND ND ND
AAP ND ND

100% COTTON IS THERMOFLEX® COMFORT CARE™

0274050560

Piontek Law Office
951 Allentown Road
Lansdale, PA 19446

7012 0470 0001 4894 6405



CERTIFIED MAIL™



1000



92123

U.S. POSTAGE
PAID
DANVILLE, PA
17821
AUG 31, 11
AMOUNT
\$6.85
00020403

midland credit Management
8875 Aero Drive
Suite 200
San Diego, CA 92123